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6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT TACOMA

9 JAMES PHILLIP DOUGLAS,

10                   Petitioner,

11               v.

12 ROBERT S. MASKO,

13                   Respondent.

No. C09-5439 RJB/KLS

ORDER RE-NOTING MOTION FOR  
SUMMARY JUDGMENT

14                 Presently before the Court is the motion of Petitioner James Phillip Douglas for a  
15 “Habeas Corpus Summary Judgment.” Dkt. 18. Mr. Douglas filed his Amended Petition on  
16 November 27, 2009. Dkt. 12. The court directed service of the petition on Respondent on  
17 December 2, 2009. Dkt. 13. Respondent received the petition on December 7, 2009. Dkt. 14.  
18 In accordance with Rule 5 of the Rules Governing § 2254 Cases, Respondent is to file and serve  
19 an answer within forty-five days after such service. *Id.* Under separate Order, the court has  
20 directed Respondent to file and serve his answer on or before May 7, 2010. Thereafter,  
21 Petitioner will have an opportunity to respond to the answer and Respondent will have an  
22 opportunity to reply. Thus, the petition will not be considered by the court prior to June 4, 2010,  
23 and Petitioner’s motion shall be considered by the court at the same time.  
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25                 Accordingly, it is **ORDERED:**  
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ORDER - 1

(1) The Clerk is directed to **re-note** Petitioner's motion for summary judgment (Dkt. 18) for **June 4, 2010**.

(2) The Clerk shall send copies of this Order to Petitioner and counsel for Respondent.

DATED this 23rd day of April, 2010.

John L. Stromberg

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Karen L. Strombom  
United States Magistrate Judge

ORDER - 2